IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15340 of 2007(A)

OS.408/2006 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONER:

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1. V.M.MATHAI, S/O.MATHAI,
   VELLOPPILLY PUTHENPURA, KOZHIPPILLY KARA,
   PALAKUNZHA VILLAGE.

2. V.K.MATHAI, S/O.KURIAKOSE,
   VALLOPIILLY PUTHENPURA,
   KOZHIPPILLY KARA, PALAKUZHA VILLAGE.

BY ADV. SRI.P.V.ELIAS

RESPONDENTS:

SKARIA, W/O.CHACKO,
VELLOPPILLYTHEKKAKKARAYIL,
KOZHIPPILLY KARA, PALAKKUZHA VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

WP(C).No. 15340 OF 2007 A

Dated this the 25th May, 2007.

JUDGMENT

The writ petition is filed to quash the orders, Exts. P1 and P2. The prayer is to permit the writ petitioner to put concrete slab across the bridge so as to have a free vehicular traffic. The courts below found that if that relief is granted without adjudicating the entire matter in detail, it will amount to decreeing the suit and therefore rightly did not grant such a relief. The learned counsel for the writ petitioner now submits that the marriage of the 1st petitioner's son is to be celebrated soon and some mode of bridge is necessary for the easy ingress and egress. He submits that at least permission may be granted to put up a temporary wooden bridge. I feel, this is a request which can be considered by the court below after giving due notice to the other side. Therefore, the writ petition is disposed of with a direction that the petitioner is given permission to approach the trial court for the purpose of constructing a temporary wooden bridge and the said court, after hearing both sides shall pass an order.

Hand over the copy today itself.

M.N. KRISHNAN
Judge

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